

REMARKS/ARGUMENTS

The Office Action mailed September 19, 2006 has been carefully reviewed and considered. Claims 1-29 were previously pending and Claims 1-29 stand rejected.

5 In the foregoing Amendments, Claims 1-29 have been canceled without prejudice to pursue them in a later related patent application. Claims 30-58 have been added. Support for the new claims can be found in the specification and claims of the application as filed. No new matter has been added. Claims 30-58 are pending in this application. Applicant respectfully requests entry of the foregoing Amendments and reconsideration of the present application in
10 light of the amendments above and the remarks below.

Claim Objections

Claims 1, 3-9, 26 and 28 are objected to because of the informalities. Claims 1, 3-9, 26 and 28 have been canceled without prejudice. As such, this objection is traversed.

Rejection under 35 U.S.C. § 112

15 Claims 2, 12 and 25 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirements. Also, Claim 1 is rejected under § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and
20 distinctly claim the subject matter applicant regards as the invention. Claims 1-2, 12 and 25 have been canceled without prejudice. Therefore, this §112 rejection is traversed.

Rejection under 35 U.S.C. §102 and §103

Claims 1-2, 5-8, 10, 12-14, 16-25, and 29 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Takahashi (US 6, 097,313), hereinafter referred to as "Takahashi". Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over
5 Takahashi in view of Azizi, et al. (US 5,525,967), hereinafter referred to as "Azizi". Claims 9 and 15 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Takahashi in view of well known prior art (MPEP 2144.03). And, claims 11 and 27-28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takahashi in view of Meadows et al. (US 6,716,101), hereinafter referred to as "Meadows". Without admitting that Takahashi, Aziz,
10 Meadows are prior art and reserving the right to establish that they are not prior art, Applicant respectfully traverses these rejections for the reasons below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The
15 identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

In order to expedite the allowance of the present application, Applicant has decided to cancel pending claims and added new claims to further particularly point out and distinctly claim
20 subject matter regarded as the invention. For example, new Claim 30 of the present invention recites in part:

receiving a first identification code which said tracking unit pre-selected to represent a first target object, wherein said first identification code is a unique code utilized to identify said first target object...

identifying a first wireless signal from said plurality of wireless signals in response to said first identification code; and
estimating a first distance and a first bearing directly on strength and location of said first wireless signal source, wherein said estimating a first distance includes calculating a distance between said tracking unit and said first target object.

In other words, the present invention discloses a locating technique, which can locate a source of transmission of a wireless signal by evaluating the strength and bearing of the wireless signal. In contrast, neither Takahashi, nor Azizi, nor Meadows nor a combination of them discloses the presently claimed invention. For instance, in Takahashi, a moving car receives information (from the road-side unit) about service provider around the area. See the Abstract of Takahashi. As can be seen, Takahashi does not disclose a method of using the strength of a signal to figure out where is the source of the transmission. At least for this reason, the present invention should be patentable over Takahashi. Since independent Claims 41 and 50 have similar limitations as Claim 30, Claims 41 and 50 should also be patentable as Claim 30.

If the independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See Jenric/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377, 1382 (Fed. Cir. 2000). Since Claims 31-40, 42-49 and 51-58 depend from allowable independent Claims 30, 41 and 50, Claims 31-40, 42-49 and 51-58 should also be patentable as matter of law.

The Office Action took an official notice that "it was well known in the art to jointly determine a better frequency to communicate." (page 21 of the Office Action) In addition, the Office Action took another official notice that "it was well known in the art to jointly determine a more appropriate frequency for communication based on predetermined quality criteria." (Page 22 of the Office Action) Under M.P.E.P. 2144.03, if the applicant adequately traverses such an assertion, the examiner should cite a reference in support of his or her position. Applicant hereby traverses the assertion made in the official notices and requests that a reference

or references be cited in support of the position(s) outlined in the Office Action if the rejection is to be maintained.

CONCLUSION

Based on all of the above, Applicant believes all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

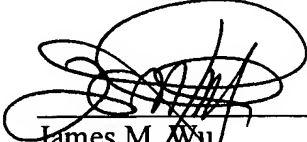
No additional fees are believed to be due at this time.

Applicant thanks the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408)260-3212 or (408) 244-6319.

Respectfully submitted,

FOUNTAINHEAD LAW GROUP

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James M. Wu
Reg. No. 45,241

FOUNTAINHEAD LAW GROUP (FLG)
900 Lafayette Street, Suite 509
Santa Clara, CA 95050
Tel: 408-244-6319